

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIV 16-0740 JB/KBM  
CR 08-1669 JB

RICHARD McKENZIE,

Defendant.

**ORDER GRANTING MOTION FOR *BECKLES* STAY**

THIS MATTER is before the Court on the United States' opposed Motion for Stay of Proceedings Pending the Supreme Court's Decision in *United States v. Beckles*, CV Doc. 8 & CR Doc. 224, filed October 31, 2016. In response to the Court's Order of December 30, 2016, counsel for Defendant McKenzie now indicates that a stay of this action pending the Supreme Court's ruling in *Beckles v. United States*, (S. Ct. No. 15-8544) "does not appear to be an issue in terms of prejudicing Mr. McKenzie" because Defendant's expected release date is July 13, 2027. Doc. 12.

Because a stay will not effectively operate as a dismissal of Defendant McKenzie's claim, this Court has discretion to grant a *Beckles* stay. See *Miller*, slip op. at 6 (writ of mandamus to vacate *Beckles* stay found necessary because "staying resolution of his motion until the Supreme Court resolves *Beckles* will irreparably damage Miller by resulting in his unnecessary confinement."). This Court believes that the *Beckles* decision

may provide significant guidance in addressing issues raised in this matter. Thus, the Court finds the motion to be well taken and it will be **granted**.

**IT IS SO ORDERED.**

  
UNITED STATES CHIEF MAGISTRATE JUDGE